



ACQUISITION AND  
TECHNOLOGY

OFFICE OF THE UNDER SECRETARY OF DEFENSE

3000 DEFENSE PENTAGON  
WASHINGTON DC 20301-3000

June 11, 1998

DP (DAR)

In reply refer to  
DFARS Case: 97-D318  
D. L. 98-012

MEMORANDUM FOR DIRECTORS OF DEFENSE AGENCIES  
DEPUTY FOR ACQUISITION AND BUSINESS MANAGEMENT,  
ASN(RD&A)/ABM  
DEPUTY ASSISTANT SECRETARY OF THE AIR FORCE  
(CONTRACTING), SAF/AQC  
DEPUTY ASSISTANT SECRETARY OF THE ARMY (PROCUREMENT)  
DEPUTY DIRECTOR (ACQUISITION), DEFENSE LOGISTICS AGENCY

SUBJECT: Contractor Use of Nonimmigrant Aliens--Guam

We have amended the Defense Federal Acquisition Regulation Supplement (DFARS) to implement Section 390 of the National Defense Authorization Act for Fiscal Year 1998 (Pub. L. 105-85), which requires that base operations support contracts performed on Guam prohibit performance of any work under the contract by any alien worker issued a visa or otherwise provided nonimmigrant status under Section 101(a)(15)(H)(ii) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)).

The attached interim DFARS rule is effective immediately and will be included in a future Defense Acquisition Circular.

Eleanor R. Spector  
Director, Defense Procurement

Attachment

cc: DSMC, Ft. Belvoir



DFARS Case 97-D318 - Contractor Use of Nonimmigrant Aliens--Guam  
Interim rule. All below are additions to the DFARS.

[SUBPART 222.73--BASE OPERATIONS SUPPORT FOR MILITARY  
INSTALLATIONS ON GUAM

222.7300 Scope of subpart.

(a) This subpart implements Section 390 of the National Defense  
Authorization Act for Fiscal Year 1998 (Pub. L. 105-85).

(b) This subpart applies to base operations support contracts  
that--

(1) Are to be performed on Guam; and

(2) Are entered into or modified on or after November 18,  
1997.

222.7301 General.

Work under a contract for base operations support on Guam  
may not be performed by any alien who is issued a visa or  
otherwise provided nonimmigrant status under Section  
101(a)(15)(H)(ii) of the Immigration and Nationality Act  
(8 U.S.C. 1101(a)(15)(H)(ii)).

222.7302 Contract clause.

Use the clause at 252.222-7005, Prohibition on Use of  
Nonimmigrant Aliens--Guam, in all solicitations and contracts  
subject to this subpart.]

\* \* \* \* \*

[252.222-7005 Prohibition on Use of Nonimmigrant Aliens--Guam.

As prescribed in 222.7302, use the following clause:

PROHIBITION ON USE OF NONIMMIGRANT ALIENS--GUAM (JUN 1998)

The work required by this contract shall not be performed by  
any alien who is issued a visa or otherwise provided nonimmigrant  
status under Section 101(a)(15)(H)(ii) of the Immigration and  
Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)).

(End of clause)]